

II. REMARKS

Formal Matters

Claims 1, 2, and 6-19 are pending after entry of the amendments set forth herein.

Claims 1, 2, and 5-17 were examined. Claims 1, 2, and 6-17 were rejected. Claim 5 was allowed.

Claims 1, 11-13, 16, and 17 are amended. No new matter is added by these amendments.

Claim 5 is canceled without prejudice to renewal, without intent to acquiesce to any rejection, and without intent to surrender any subject matter encompassed by the canceled claim. Applicants expressly reserve the right to pursue any canceled subject matter in one or more continuation and/or divisional applications.

Claims 18 and 19 are added. Support for new claims 18 and 19 is found in claim 11 as originally filed. Accordingly, no new matter is added by these new claims.

Applicants respectfully request reconsideration of the application in view of the remarks made herein.

Allowable subject matter

Applicants note with gratitude that claim 5 is deemed allowable.

Claim 1 is amended to include the language of claim 5. As such, claim 1, as well as claims depending directly or indirectly from claim 1 and claims incorporating claim 1, should be allowable.

Claim 11 is amended to track the language of amended claim 1 with respect to the nucleic acid encoding a *Plasmodium falciparum* MSP-1 protein. As such, claim 11, and claims depending therefrom, should be allowable.

Rejection under 35 U.S.C. §103(a)

Claims 1-4 and 6-17 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yang et al. ((1997) *Vaccine* 15:1303-1313; “Yang”) in view of Kumar et al (April, 2002) *Immunology Letters* 81:13-24).

Claim 1 is amended to include the language of claim 5; and claim 11 is amended to track the language of claim 1 with respect to the nucleic acid encoding a *Plasmodium falciparum* MSP-1 protein. Claim 5 was not rejected over Yang in view of Kumar. As such, claim 1 as amended, and any claim depending directly or indirectly from claim 1 and claims incorporating claim 1, is not rendered obvious by Yang, alone or in combination with Kumar.

Applicants submit that the rejection of claims 1-4 and 6-17 under 35 U.S.C. §103(a) has been adequately addressed in view of the remarks set forth above. The Examiner is thus respectfully requested to withdraw the rejection.


III. CONCLUSION

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number GRUE-004.

Respectfully submitted,
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